

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL Nos. 4196 to 4217 of 1995

with

CROSS OBJECTION Nos. 172 to 191 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

RAVJI LIMBABHAI

Appearance:

1. First Appeal No. 4196 of 1995
MR ND GOHIL, AGP for Appellant
MR YOGESH S LAKHANI for Respondent No. 1
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CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.C.PATEL

Date of decision: 30/11/2000

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.C.PATEL)

This is a group of 22 First Appeals filed by the State under Section 54 of the Land Acquisition Act read with Section 96 of the Code of Civil Procedure challenging the common judgment and awards dated 15th October, 1994 passed by the learned 4th Extra Assistant Judge, Rajkot in Land Reference Case Nos.209/87 to 219/87 and 248/87 to 258/87. Some of the respondent claimants have filed Cross objections No.172/99 to 191/99.

2. Notification under Section 4 of the Land Acquisition Act was published on 23.08.1984 for acquiring agricultural lands belonging to the claimants situated in village Khambhala, Taluka Padadhari, District Rajkot. The lands were acquired for Nyari - 2 Irrigation Project work. The Land Acquisition Officer by his award dated 27.03.1987 offered compensation at the rate of Rs.175 per Are for irrigated lands and Rs.115/- per Are for non-irrigated lands. On reference under Section 18 of the Act, the Reference Court has classified the lands into different groups and awarded compensation at the rates varying from Rs.225/- per Are to Rs.395/- per Are. The Reference Court also awarded Rs.10,000/- as compensation for the well in Land Reference Case Nos.211/87 and 257/87 (First Appeal No.4198/95 and 4216/95).

3. As a result of the hearing and discussion, it became clear that the Reference Court had relied on a sale instance in respect of the land situated in village Rangpar which reflected the market value of Rs.395 per Are. There is no dispute that the said village is adjacent to village Khambhala. The lands of village Rangpar were also acquired for the same project and we have confirmed the awards made in respect of the lands of village Rangpar made by the Reference Court at rates varying from Rs.212/- to Rs.395/- in First Appeal No.7382/95 and cognate appeals which have been decided today. There the notification under Section 4 was published on 08.03.1984. The learned AGP could not point out any distinguishing features. It appears that lands were acquired from 5 different villages for the same project, Rangpar and Khambhala being two of them. In our opinion, therefore, the awards made by the Reference Court in the present group of cases will be covered by our decision in the said Appeal No.7382/95 and cognate

appeals where the awards made by the Reference Court in respect of the lands of adjacent village Rangpar were confirmed.

4. The learned AGP however contended that in two Land Reference Cases namely, 211/87 and 257/87 (First Appeal No.4198/95 and 4216/95), the Reference Court has awarded separate compensation for the well situated in the land and the same is not justified in view of the decision of the Supreme Court in O. Janardhan Reddy vs. Spl. Dy. Collector [1994 (6) SCC 456]. The learned counsel for the respondent claimants has no answer to this and he agreed that the separate award of compensation for the well is liable to be set aside.

5. So far as cross objections are concerned, the award of the maximum value of Rs.395/- per Are and differential rates for different groups of lands were confirmed in the previous decision of the Division Bench cited earlier. The learned counsel for the claimants could not make any submissions on merits in support of the cross objections. The same are, therefore, liable to be dismissed.

6. In the result, First Appeal Nos.4198/95 and 4216/95 are partly allowed with no order as to costs and the separate award of compensation for the well in the said cases is set aside. Decree accordingly. The rest of the award is confirmed. The remaining Appeals are dismissed with no order as to costs. Cross objections also fail and are dismissed with no order as to costs.

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